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REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks.

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Claims 1, 3-11, and 13-27 remain in this application. Claims 2 and 12 have been canceled. Claims 1, 3-5, 10, 13, 14, 20, 22, and 24 have been amended. New claims 26 and 27 were added. No new matter has been added as a result of these amendments. Support for the amendments can be found, for example, as follows: for claim 1 in claims 1 and 2 as filed, as well as page 5 lines 6-10, for claims 3- 5 in claims 1-5 as filed, for claim 10 in claims 1 and 10 as filed as well as page 5 lines 6-10, for claim 13 in claims 1 and 13 as filed, for claim 14 in claim 14 as filed, for claim 20 in claims 1 and 20 as filed as well as page 5 lines 6-10, for claims 22 and 24 in claims 22 and 24 as filed respectively, for claims 26 and 27 in claim 1 as filed as well as page 5 lines 5-8.

Rejections

Rejections under 35 U.S.C. 112, second paragraph

Claims 12 and 13

Claims 12 and 13 were rejected under 35 U.S.C. §112, second paragraph. Specifically, Examiner considered the term “licensees” as indefinite. This rejection is avoided by amendment. Claim 12 was cancelled. Claim 13 was amended to replace “licensees” with “end users”.

Applicant respectfully submits that claim 13, as amended, satisfies the requirements of 35 U.S.C. §112, second paragraph, and respectfully requests the withdrawal of the rejection of claim 13 under §112.

Rejections under 35 U.S.C. §102(e)

Claims 1-25

Claims 1-25 were rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,385,592 to Angles et al. (hereinafter '592). To anticipate under 35 U.S.C. §102(e) a reference must disclose each and every element of the invention as claimed. The rejection is avoided by amendment in part and traversed in part.

Generally, Applicant's invention claims systems and methods of media distribution, where consumers may permit advertising, and if so control the amount and type of advertising allowed in exchange for subsidies of the media to be purchased. '592, on the other hand, describes a system and method of delivery and display of web pages with embedded customized advertising. There are significant differences between Applicants invention and '592. Viewers of web pages according to the '592 disclosure cannot obtain web pages free of any advertisement. Additionally, '592 is concerned with advertising posted on otherwise freely available web pages, not on media that may be sold at a discount if consumers choose to buy it with included advertising.

In the response that follows text from the Office action is reproduced in indented small bold fonts, followed by Applicant's response.

As per claim 1, Angles teaches:

A permission-based marketing organization and delivery system, comprising:

a computer network having at least one server (see figure 2);

a plurality of user interface applications allowing at least one user to engage said computer network and said at least one server (see figure 11);

a central database for storing advertising information and end user information, the central database being coupled to said computer network (see figure 11; column 3, lines 10-55; column 8, lines 31-44); and

a plurality of additional database components, said additional database components storing information to be accessed by said central database (see figure 11, items 68, 70, 72; column 13, lines 60-67).

Applicant has amended claim 1 to include a limitation not disclosed in '592. Particularly, claim 1 now recites that the end user may permit promotional material to be included with ordered content, and the end user can specify which promotional material is to be included. '592 does not disclose any possibility that users avoid advertisements, but only that users may customize advertisements received. In light of the amendment to claim 1 it is respectfully submitted that the addition of this limitation distinguishes the claimed invention from '592.

As per claim 2, Angles teaches:

The system of claim 1, wherein the central database includes a directory of content (see column 12, line 63 - column 13, line 6).

Claim 2 was canceled. However, the directory of content recited and now included in claim 1 is not disclosed in column 12 line 63-column 13 line 6. That paragraph from '592 describes the structure of a web site, not a directory of available media.

As per claim 3, Angles teaches:

The system of claim 2, wherein the central database includes editorial material related to the content (see column 20, lines 10-50).

Claim 3 was amended to depend from claim 1 rather than from canceled claim 2. Therefore, claim 3 is distinguishable over '592 at least for the reasons provided above in

relation to the rejection of claim 1. In addition, the text at column 20 lines 10-50 describes the advertising module, not information related to the content of web sites. Indeed, '592 does not disclose anywhere maintaining editorial material related to content.

As per claim 4, Angles teaches:

The system of claim 2, wherein the central database includes promotional material related to the content (see column 15, lines 44-55).

Claim 4 was amended to depend from claim 1 rather than from canceled claim 2.

Therefore, claim 4 is distinguishable over '592 at least for the same reasons provided above in relation to the rejection of claim 1.

As per claim 5, Angles teaches:

The system of claim 2, wherein the central database includes tracking data related to audience response to the content (see column 3, lines 1-9).

Claim 5 was amended to depend from claim 1 rather than from canceled claim 2.

Therefore, claim 5 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 1. In addition, column 3 lines 1-9 does not disclose tracking data related to audience response to the content. What is disclosed is consumer response to advertisements, which may be of interest to advertisers. Claim 5, by contrast recites tracking data related to audience response to content. The data would be of interest to both advertisers and potential media users. Nothing in '592 suggests gathering data related to content quality or appreciation by end users as claimed in claim 5.

As per claim 6, Angles teaches:

The system of claim 1, wherein the computer network includes at least one computer terminal connected to the at least one server, the at least one computer terminal facilitating the use of the plurality of user interface applications (see figures 2 and 11).

Claim 6 depends from claim 1. Therefore, claim 5 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 1.

As per claim 7, Angles teaches:

The system of claim 1, further comprising a search engine, said search engine being coupled to said computer network (see column 2, lines 21-45).

Claim 7 depends from claim 1. Therefore, claim 7 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 1.

As per claim 8, Angles teaches:

The system of claim 1, wherein said plurality of additional database components includes an orders database (see figure 11, item 72; column 16, lines 10-27).

Claim 8 depends from claim 1. Therefore, claim 8 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 1. In addition, contrary to Examiner's statement, item 72 on figure 11 and column 16 lines 10-27 do not disclose an orders database, but rather an accounting database. The accounting database keeps track of advertisement audit information, such as how many times an ad was viewed and by which consumers. An orders database, as explained in paragraph [0029] of the specification, maintains information regarding orders placed by consumers. Indeed, '592 does not disclose anywhere an orders database as recited in claim 8.

As per claim 9, Angles teaches:

The system of claim 1, wherein an end user is an additional computer network (see figure 11).

Claim 9 depends from claim 1. Therefore, claim 9 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 1.

As per claim 10, Angles teaches:

A method of integrating licensors and licensees of media and advertisers, the method comprising: registering content and promotional material with a central database (see column 3, lines 10-67);

identifying common characteristics between content and promotional material (see column 3, lines 43-67); and

allowing an end user to order content and to specify which promotional material is to be included with content (see column 3, lines 43-67; column 17, lines 15-22).

Applicant has amended claim 10 to include a limitation not disclosed in '592.

Particularly, claim 10 now recites that the end user may permit promotional material to be included with ordered content, and the end user can specify which promotional material is to be included. '592 does not disclose any possibility that users avoid advertisements, but only that users may customize advertisements received. In light of the amendment to claim 10 it is respectfully submitted that the addition of this limitation distinguishes the claimed invention from '592.

As per claim 11, Angles teaches:

The method of claim 10, further comprising distributing performance data related to said content to licensors of content and to advertisers (see column 16, lines 10-56).

Claim 11 depends from claim 10. Therefore, claim 11 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 10. Moreover, column 16 lines 10-56 of '592 is not directly pertinent to data related to content as recited in claim 11, but rather is covers data related to advertisement embedded in content.

As per claim 12, Angles teaches:

The method of claim 10, further comprising distributing performance data related to said content to licensees (see column 16, lines 10-56).

Claim 12 was cancelled.

As per claim 13, Angles teaches:

The method of claim 11, further comprising matching advertisers with licensors and licensees (see column 3, lines 42-67).

Claim 13 depends from claim 11. Therefore, claim 13 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 11.

As per claim 14, Angles teaches:

The method of claim 12, further comprising delivering content and advertising to end users (see column 3, lines 42-67).

Claim 14 was amended to depend from claim 10 rather than from the now canceled claim 12. Claim 14 is distinguishable over '592 at least for the reasons provided above in relation to the rejection of claim 10.

As per claim 15, Angles teaches:

The method of claim 10, further comprising providing a directory of content, editorial material related to the content, promotional material related to the content, and tracking data related to audience response to the content to the central database (see column 3, lines 1-9; column 15, lines 44-55; column 20, lines 10-50).

Claim 15 depends from claim 10, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 10. In addition, '592 does not disclose anywhere providing a directory of content or editorial material related to content as recited in claim 15. The text cited by the examiner refers mainly to tracking consumer response to advertisements, which is different from informing consumers of the media in which they may have an interest as by editorial material related to content.

As per claim 16, Angles teaches:

The method of claim 10, further comprising providing a computer network including at least one computer terminal connected to at least one server (see figure 11).

Claim 16 depends from claim 10, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 10.

Examiner did not state any reason for the rejection of claim 17.

As per claim 18, Angles teaches:

The method of claim 10, further comprising providing plurality of additional database components, said plurality of additional database components including an orders database (see figure 11, item 72).

Claim 18 depends from claim 10, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 10. In addition, contrary to Examiner's statement, item 72 on figure 11 does not disclose an orders database, but rather an accounting database. The accounting database keeps track of advertisement audit information, such as how many times an ad was viewed and by which consumers. An orders database, as explained in paragraph [0029] of the specification, maintains information regarding orders placed by consumers. Indeed, '592 does not disclose anywhere an orders database as recited in claim 18.

As per claim 19, Angles teaches:

The method of claim 15, further comprising providing a computer terminal connected to the at least one server, the computer terminal allowing a user to interface with said computer network (see figures 2 and 11).

Claim 19 depends from claim 15, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 15.

As per claim 20, Angles teaches:

A method of delivering content over a computer network, the method comprising:
identifying common characteristics between content and promotional material (see column 3, lines 10-67);
identifying common characteristics between the content and promotional material and an end user (see column 3, lines 43-67);
allowing the end user to order content and to specify which promotional material is to be included with content (see column 3, lines 43-67); and

delivering content and advertising together in a common product (see column 3, lines 55-67).

Applicant has amended claim 20 to include a limitation not disclosed in '592.

Particularly, claim 20 now recites that the end user may permit promotional material to be included with ordered content, and the end user can specify which promotional material is to be included. '592 does not disclose any possibility that users avoid advertisements, but only that users may customize advertisements received. In light of the amendment to claim 20 it is respectfully submitted that the addition of this limitation distinguishes the claimed invention from '592.

As per claim 21, Angles teaches:

The method of claim 20, further comprising accepting registration of content, promotional materials and end users (see column 3, lines 10-67).

Claim 21 depends from claim 20, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 20.

As per claim 22, Angles teaches:

The method of claim 20, further providing a computer network including at least one computer terminal connected to at least one server (see figures 2 and 11).

Claim 22 depends from claim 20, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 20.

As per claim 23, Angles teaches:

The method of claim 20, further comprising providing a search engine (see column 2, lines 23-45).

Claim 23 depends from claim 20, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 20.

As per claim 24, Angles teaches:

The method of claim 20, further comprising further comprising providing plurality of additional database components, said plurality of additional database components including an orders database (see figure 11, item 72).

Claim 24 depends from claim 20, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 20. In addition, contrary to Examiner's statement, item 72 on figure 11 does not disclose an orders database, but rather an accounting database. The accounting database keeps track of advertisement audit information, such as how many times an ad was viewed and by which consumers. An orders database, as explained in paragraph [0029] of the specification, maintains information regarding orders placed by consumers. Indeed, '592 does not disclose anywhere an orders database as recited in claim 24.

As per claim 25, Angles teaches:

The method of claim 20, further comprising providing a computer terminal connected to the at least one server, the computer terminal allowing a user to interface with said computer network (see figures 2 and 11).

Claim 24 depends from claim 20, and is therefore distinguishable over '592 at least for the same reasons provided above in response to the rejection of claim 20.

Other prior art

Copies of the other prior art made of record ("Burge" and "Doubleclick article"), as well as Form PTO-892 did not accompany the letter mailed on March 15, 2004. From Examiner's statements in the "Conclusion", however, it appears that neither Burge nor Doubleclick article are more relevant to Applicant's claimed invention than '592.

Conclusion

In view of the above, it is respectfully submitted by Applicants that the pending claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of the claims at an early date is solicited.

Respectfully submitted,

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